

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

RONALD S. RILEY

v.

THE DELAWARE RIVER AND
BAY AUTHORITY

Defendant,

:
:
Plaintiff, : C.A. No.
:
:
v. :
:
:
The Delaware River and Bay Authority :
:
:
Defendant, :

COMPLAINT

1. Plaintiff Ronald S. Riley is a United States citizen, a resident individual residing at 504 East Avenue, New Castle, DE 19702, and an employee of The Delaware River and Bay Authority.

2. The Delaware River and Bay Authority is a bi-state agency of the State of Delaware and New Jersey.

JURISDICTION

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4), 28 U.S.C. §§ 2201 and 2202, and the Fourteenth Amendment to the United States Constitution. The cause of action arises under 42 U.S.C. § 1983, 42 U.S.C. § 1981 Title 7 and Title 7 of the Civil Rights of 1964, 42 U.S.C. § 2005(e), et seq. The state law causes of action arise under the common law of the State of Delaware. This Court has jurisdiction over the State law claims pursuant to 28 U.S.C. § 1337 which provides for supplemental jurisdiction. The claims arise in this judicial district.

4. At all relevant times herein, Plaintiff Ronald S. Riley has been employed

by the Defendant, The Delaware River and Bay Authority (hereinafter “DRBA”) as an operations clerk.

5. At all relevant times herein, Plaintiff Ronald S. Riley (hereinafter “Riley” or “plaintiff Riley”) was employed by the Airport Safety Department as an Airports Operations Clerk with a paygrade of “P”. At all relevant times herein plaintiff Riley’s job performance has exceeded all requirements and/or expectations of the job performance.

6. As an Operations Clerk, plaintiff Riley was requested to perform a variety of administrative duties including, but not limited to, answering phones, managing identification badge systems, providing clerical support for the airport operations staff, and to be the direct contact for all outside agencies with the airport.

7. Although plaintiff Riley has been given the job title of an operations clerk with a paygrade of “P”, plaintiff Riley functions at a much higher responsibility level. Despite the fact that the plaintiff Riley performs responsibilities above and beyond that of an operations clerk, the Defendant has failed to provide him with equal paygrade for the work that he performed to date. In addition, the Defendant has failed to promote plaintiff Riley for promotions despite the fact that he performs work and his job duties are in excess of that as defined by an operations clerk.

8. The Plaintiff attempted to file an internal complaint within DRBA with agents, servants and employees of DRBA to address the fact that his compensation was not adequate for his job responsibilities. Despite the fact that plaintiff Riley filed an internal complaint, no action has been taken by DRBA to address the issues regarding his inadequate compensation for his job responsibilities.

9. Plaintiff filed a complaint (hereinafter “initial complaint”) in this Court based upon

Defendant's discriminatory actions and conduct of the Plaintiff. See Ronald Riley v. DRBA, C.A. No. 05-746-KAJ.

10. The Plaintiff alleges that Defendant DRBA, has failed to provide the Plaintiff with adequate compensation in his prior complaint to compensate him for the work responsibilities he performs and/or failed to promote him despite the fact that he has applied promotions due to the fact that he is an African American male and that the Plaintiff has been subject to the discrimination by the Defendant DRBA and created a hostile work environment on the basis of his race in violation of 42 U.S.C. §1981 Title 7 and Title 7 of the Civil Rights of 1964, 42 U.S.C. §2005(e), et seq.

11. Plaintiff filed a complaint with the EEOC for retaliation and hostile work environment against DRBA after filing his initial complaint in this Court.

12. The EEOC issued a right to sue letter dated February 22, 2007 and received on February 26, 2007 by the Plaintiff. (A copy of the right to sue letter is attached hereto as Exhibit "A").

13. As a direct proximate and legal result of the discrimination by DRBA, the filing of the complaint with the EEOC and the filing of the complaint in U.S. District Court, DRBA has created a hostile work environment and/or retaliated against Mr. Riley for which he is entitled to compensatory damages, punitive damages, attorneys' fees, and other relief that this Court deems appropriate. The Defendant has engaged in a hostile work environment in retaliation to Mr. Riley after filing the initial complaint in the U.S. District Court as follows:

(A) In June of 2006 the plaintiff wore dress shoes to work. Mr. Riley was informed by the airport manager for New Castle Operations Department, Alex Coles, that Mr. Riley could not wear those shoes to work anymore. Plaintiff contacted Andrew

Ritchie, the DRBA Human Resources Manager and Mr. Ritchie indicated that Plaintiff's shoes were appropriate for work;

- (B) In August of 2006 Mr. Riley returned to work after straining his foot at work and he wore sneakers pursuant to doctor's order. Mr. Riley was advised that he would be sent home without pay because he did not have the appropriate footwear on despite the fact that he had a doctor's note to wear his sneakers;
- (C) On October 11, 2006, Alex Coles sent the plaintiff to an empty room without any cause or justification and told him to stay in the room away from his regular work location;
- (D) On October 31, 2006, the Plaintiff spoke to Mr. Andrew Ritchie, an employee of DRBA, with regard to three (3) hours missing from his time that he worked. Mr. Ritchie advised the Plaintiff that Alex Coles went into the computer system and changed Mr. Riley's time removing three (3) hours from his pay. Mr. Riley alleges that Mr. Coles changed Mr. Riley's time from 0755 hours to 1100 hours despite the fact that the Plaintiff worked those hours;
- (E) On Friday, May 18, 2007 at 8:15 a.m. The plaintiff received a phone call from Alex Coles who indicated that Mr. Riley was in the cafeteria on this date and time for two (2) to three (3) hours talking to people in the cafeteria rather than performing my job responsibilities. Plaintiff explained to Mr. Coles that he was not in the cafeteria for this length of time. Mr. Coles made this call while he was on vacation in California and had no personal knowledge of the events on May 18, 2007;
- (F) On May 18, 2007 after Mr. Riley completed work and he went to see a fellow co-worker, Mr. Riley received a call on his personal cell phone from Alex Coles who

requested to know why Mr. Riley was in the complex at that time. Mr. Riley explained that it was after his work day ended work at 1400 hours that he was speaking to fellow co-workers on his own time.

14. The Defendant's actions clearly violated established federal constitutional rights of which any reasonable official would have known.

15. At all times material herein the individual Defendant participated in, authorized and sanctioned constitutional and state law deprivations and illegally discriminated against plaintiff Riley due to his race.

16. The actions of the Defendant its agents or employees were deliberate, intentional, willful, purposeful and knowing violations of federal and state law.

17. Defendant either knew or showed a negligent or reckless disregard for the matters and whether their conduct violated federal, constitutional and state law rights.

18. Defendant's actions were wanton, malicious or taken with reckless indifference to the federal, constitutional and state law rights.

19. The exercise of rights under the U.S. Constitution made a difference in all actions adverse to plaintiff Riley.

20. The exercise of these rights was a motivating substantial and determinative factor in all actions adverse to plaintiff Riley.

21. Defendant intentionally inflicted severe emotion distress upon plaintiff Riley when, it, willfully and wantonly discriminated upon plaintiff Riley due to the fact that he is an African American male whereby intentionally and callously inflicting severe emotional distress upon plaintiff Riley.

WHEREFORE, Plaintiff requests this Court enter an order as follows:

- (1) enter judgment against the Defendant;
- (2) enter judgment declaring the acts of the Defendants to be in violation of plaintiff's constitutional, statutory and common law rights;
- (3) enter judgment against the Defendant for compensatory damages, including, but not limited to, lost wages, back pay, benefits, future front pay, loss of earning capacity, past or future pension loss and other retirement benefits, emotional distress, humiliation, embarrassment and injury to reputation, retaliation, and hostile work environment ;
- (4) enter judgment against Defendant for punitive damages;
- (5) award plaintiff costs, pre and post judgment interest, and attorneys' fees for the suit; and,
- (6) require such and further relief as this Court deems just and equitable.

PHILLIPS, GOLDMAN & SPENCE, P.A.

JAMES P. HALL, ESQUIRE (#3293)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
Attorney for Plaintiff

DATE:

FEB 26 2007
KILKO-3

Civil Rights Division
 NOTICE OF RIGHT TO SUE
 WITHIN 90 DAYS

CERTIFIED MAIL
 5053 0082

950 Pennsylvania Avenue, N.W.
 Karen Ferguson, EMP, PHB, Room 4239
 Washington, DC 20530

Mr. Ronald S. Riley
 c/o James P. Hall, Esquire
 Law Offices of Phillips, Goldman, et al.
 Attorneys at Law
 1200 N. Broom St.
 Wilmington, DE 19806

February 22, 2007

Re: EEOC Charge Against Delaware River & Bay Authority
 No. 17C200601425

Dear Mr. Riley:

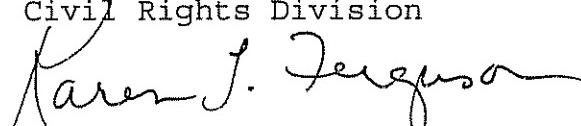
Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Wan J. Kim
 Assistant Attorney General
 Civil Rights Division

by 
 Karen L. Ferguson
 Supervisory Civil Rights Analyst
 Employment Litigation Section

cc: Philadelphia District Office, EEOC
 Delaware River & Bay Authority

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-336

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

2007 MAY 25 PM 4:15

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

5-25-07

(Date forms issued)

Donna L. Truskowski
(Signature of Party or their Representative)

Donna L. Truskowski
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Ronald S. Riley

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

The Delaware River and Bay Authority

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) 302-655-4200
James P. Hall, Esq. Phillips Goldman & Spence
1200 North Broom Street, Wilmington DE 19806COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT New Castle

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|---|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | Transferred from
<input type="checkbox"/> 5 another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Magistrate Judgment |
|---|---|--|---|---|---|--|

Appeal to District Judge from

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 408 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplanes	<input type="checkbox"/> 362 Personal injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 180 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 850 Securities/Commodities/Exchange	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 881 Agricultural Acts	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 882 Economic Stabilization Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 883 Environmental Matters	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 884 Energy Allocation Act	
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 885 Freedom of Information Act	
<input type="checkbox"/> 280 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 950 Constitutionality of State Statutes	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7809	

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 U.S.C. §1981 Title 7, Title 7 of the Civil Rights Act of 1964 and 42 U.S.C. §2005(e)

Plaintiff has been subject to discrimination and a hostile work environment

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
□ UNDER F.R.C.P. 23**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: YES NO**VIII. RELATED CASE(S)** (See instructions:
IF ANY)JUDGE KAGDOCKET NUMBER 05-746

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/25/07

FOR OFFICE USE ONLY